

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KYLE AARON DAVIS,

Plaintiff,

v.

24-CV-6716-MAV
ORDER

SENECA COUNTY, et al.,

Defendants.

Before the Court is *pro se* Plaintiff's, Kyle Aaron Davis's, motion seeking permission to file papers electronically in this case. ECF No. 11. The Federal Rules of Civil Procedure provide that a *pro se* party "may file [documents] electronically only if allowed by court order or by local rule." Fed. R. Civ. P. 5(d)(3)(B)(i). This District's Local Rules identify the Administrative Procedures Guide for Electronic Filing (the "Guide") as the authority setting forth the procedures and requirements for electronic filing. W.D.N.Y. Loc. R. 5.1(a). The Guide allows the Court, in its discretion, to "grant a *pro se* litigant who demonstrates a willingness and capability to file documents electronically, permission to register to do so." W.D.N.Y. Admin. Procs. Guide for Elec. Filing at 3.

Pro se litigants who wish to make such a showing must comply with the District's instructions to register for electronic filing in civil cases (the "Instructions"). The Instructions state that "[b]efore seeking approval from the judge, you must complete online training modules and meet all the technical requirements for e-filing listed" therein. (Emphasis added.) The Instructions also state that *pro se* litigants

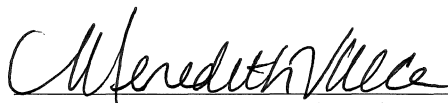
“shall” download, fill in, and submit their motion using the *pro se* motion form provided.

Here, Plaintiff’s submission to the Court merely states that he wishes to file papers electronically because the mail causes delays, and he may need to file papers on a “tight schedule.” ECF No. 11. This is insufficient to demonstrate “a willingness and capability to file documents electronically” as required by the District’s procedures. *See Foster v. Zones/E. Nfastructure Techs., Inc.*, No. 21-CV-36-LJV, 2022 WL 507343, at *6 (W.D.N.Y. Feb. 18, 2022). The Court therefore declines to exercise its discretion to permit Plaintiff to file his documents electronically and denies his motion without prejudice.

Should Plaintiff wish to refile his motion, he must comply with the Instructions¹ for seeking to register for electronic filing, including using the proper motion form² and making all necessary declarations showing that he meets the technical requirements for e-filing. To the extent that Plaintiff requires additional time to file documents due to potential mailing delays, he may timely ask the Court to extend his deadlines.

SO ORDERED.

Dated: February 14, 2025
Rochester, New York


HON. MEREDITH A. VACCA
UNITED STATES DISTRICT JUDGE

¹ Available at <https://www.nywd.uscourts.gov/pro-se-e-filing>.

² Available at <http://www.nywd.uscourts.gov/pro-se-forms>.